

COMMUNITY AFFAIRS

DIVISION OF CODES AND STANDARDS

Hotels and Multiple Dwellings

Carbon monoxide alarms

Proposed Amendments: N.J.A.C. 5:10- 28.1

Authorized by: Susan Bass Levin, Commissioner, Department of Community Affairs

Authority: N.J.S.A. 55:13A-7.17

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN

Submit written comments by March 18, 2005 to:

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SUSAN BASS LEVIN, Commissioner

The agency proposal follows:

Summary

Pursuant to N.J.S.A. 55:13A-7.17, the Department of Community Affairs has adopted rules concerning the installation of carbon monoxide (CO) alarms in hotels and multiple dwellings. As an alternative to having a single station CO alarm in each guestroom or dwelling unit in any building that contains a fuel-burning appliance or an attached garage, N.J.A.C. 5:10-28.1 allows CO alarms to be installed in the locations specified in the Uniform Construction Cod, at N.J.A.C. 5:23-3.10 with the approval of the Bureau of Housing Inspection. Since the only requirement for approval by the Bureau of Housing Inspection is that the installation be in compliance with the applicable requirements of the Uniform Construction Code, the Department proposes to amend N.J.A.C. 5:10-28.1 to make it clear that all that is required is that the owner of the property file with the Bureau of Housing Inspection a copy of the certificate of approval issued by the local construction code enforcing agency for the installation of the alternative CO alarm system.

Inasmuch as a 60-day comment period is being provided for this rule proposal, the proposal, in accordance with N.J.A.C. 1:30-3.3(a)5, is not subject to the provisions of N.J.A.C. 1:30-3.1 and 3.2 governing rulemaking calendars

Social Impact

The proposed amendment would be socially beneficial in that it would clarify a requirement that has been the source of some confusion for hotel and multiple dwelling owners who have installed alternative CO alarm systems.

Economic Impact

The proposed amendment would be economically beneficial for hotel and multiple dwelling owners seeking to install alternative CO alarm systems, who would no longer have to wait for a separate approval from the Bureau of Housing Inspection once they had their certificate of approval from the local construction code enforcing agency.

Federal Standards Statement

No Federal standards analysis is required because these rules are not being proposed for amendment under the authority of, or in order to implement, comply with, or participate in, any program established under, Federal law or under a State statute that incorporates or refers to Federal law, standards or requirements.

Jobs Impact

The Department does not expect that adoption of this rule proposal would result in the creation or loss of any jobs.

Agricultural Industry Impact

This proposal would have no impact upon the agricultural industry.

Regulatory Flexibility Statement

The proposed amendments would be beneficial to any "small businesses," as defined in the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., that own hotels or multiple dwellings in which they wish to install alternative CO alarm

systems. The same benefits would also be available to entities other than "small businesses" that are similarly situated. The proposed amendment would not impose any new reporting, recordkeeping or compliance requirements on "small businesses" or make it necessary for them to engage any professionals whom they would not otherwise have to engage.

Smart Growth Impact

The adoption of this proposal would not have any impact upon smart growth or the implementation of the State Development and Redevelopment Plan.

Full text of the proposal follows (additions indicated in bold face thus; deletions indicated in brackets [thus]).

5:10-28.1 Carbon monoxide alarms

(a) Carbon monoxide alarms shall be installed and maintained in full operating condition in the following locations:

1. (No change.)
2. As an alternative to the requirements in (a)1 above, carbon monoxide alarms may be installed in the locations specified in the Uniform Construction Code (N.J.A.C. 5:23-3.20) [with the approval of the Bureau]. **A copy of the certificate of approval issued by the local construction code enforcing agency shall be provided to the Bureau at the time of installation, at or after the time of inspection, or at any other time, as proof of installation in accordance with the Uniform Construction Code.**

(b) (No change.)

